

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FEDERICO DE JESUS ESTACIO,

Plaintiff, Civil No. 06-243-CO

v. FINDINGS AND
"SUPREME COURT" (sic), RECOMMENDATION
and ORDER

Defendant.

COONEY, Magistrate Judge.

Plaintiff's Application to proceed in forma pauperis (#1) is allowed.

Plaintiff filed a civil rights complaint which is identical to the complaint filed in Civ. No. 06-221-AA. Accordingly, this action should be dismissed without prejudice to plaintiff's right to pursue his claims alleged herein in Civ. No. 06-221-AA.

This recommendation is not an order that is immediately

appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a) (1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 2 day of March, 2006.

s/
John P. Cooney
United States Magistrate Judge